

Exhibit "C"

Exhibit "C"

EDMUND G. BROWN, JR.
Attorney General

ATTORNEY GENERAL--OFFICE COPY
State of California
DEPARTMENT OF JUSTICE



455 GOLDEN GATE AVENUE, SUITE 11000
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September 10, 2007

The Honorable Gary E. Meyer
Monterey County Superior Court
240 Church Street
Salinas, CA 93902-0414

FILED

SEP 11 2007

LISA M. GALDOS
CLERK OF THE SUPERIOR COURT
S. GARSIDE DEPUTY

RE: INFORMAL RESPONSE
In re Marvin Hollis, Case No. HC 5711

Dear Judge Meyer:

This letter is written pursuant to the court's request for an informal response to inmate Marvin Hollis's petition for writ of habeas corpus. Petitioner Hollis is a California state inmate at Salinas Valley State Prison who alleges that the prison failed to properly process his administrative appeals and contests the outcomes of his Rules Violation Reports.

* After reviewing Hollis's petition and speaking with prison staff, it was discovered that Hollis's appeal submitted on December 25, 2006 contesting rule violation report number C-06-03-0012R was improperly screened out. /Based on the discovery that this appeal was timely submitted, the appeal is now approved for a Second Level Response. According to the information available, it appears that the merits of this appeal will be addressed by Second Level Appeal Response. However, any modification order is contingent on Hollis re-submitting the original appeal with attached supporting documentation. Additionally, Hollis should attach this informal response letter per the request of the Appeals Coordinator.

With respect to the second appeal, Log Number SVSP-D-07-01510, the appeals office has also determined that it will reexamine Hollis's appeal to determine if there was a due process violation. Again, this is contingent on Hollis resubmitting the original appeal with attached supporting documentation and a copy of this informal response letter. Hollis should re-submit this appeal and direct it to Appeals Coordinator E. Medina's attention.

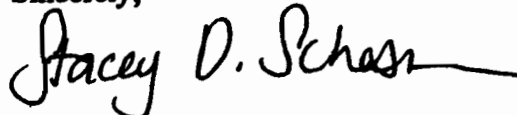
Because Hollis has received the relief requested, namely a review of his administrative appeals, these claims should be dismissed as moot. As a general principle, it is the duty of a court to decide only "actual controversies" by judgments which can be carried into effect. "[A]lthough a case may originally present an existing controversy, if before decision it has, through act of the parties or other cause, occurring after the commencement of the action, lost

The Honorable Gary E. Meyer
September 10, 2007
Page 2

that essential character, it becomes a moot case or questions which will not be decided by the court." (*Wilson v. Los Angeles County Civil Service Com.* (1952) 112 Cal.App.2d 450, 453.)

With respect to his substantive claims, including whether he was properly found guilty of the rule violations, the court cannot review these claims because they have yet to be administratively exhausted. It is well settled that an inmate must exhaust all administrative remedies available to him before he may seek relief on a habeas corpus petition. (*In re Dexter* (1979) 25 Cal.3d 921, 925; *In re Muszalski* (1975) 52 Cal.App.3d 500, 503.) Adherence to the exhaustion principle ensures deference to the expertise and discretion of administrative agencies and forestalls a deluge of untimely petitions to an often overburdened judiciary. (*McKart v. United States* (1969) 395 U.S. 185, 193-195.) Hollis must first fully exhaust his administrative remedies and allow the prison to fully investigate and review any issues before judicial review is proper. Accordingly, respondent respectfully requests that this petition be dismissed without prejudice to Hollis.

Sincerely,



STACEY D. SCHESSER
Deputy Attorney General
State Bar No. 245735

For EDMUND G. BROWN JR.
Attorney General

SDS:ls

cc: Eloy Medina, SVSP Appeals Coordinator

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: In re Hollis

No.: HC 5711

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On September 10, 2007, I served the attached

INFORMAL RESPONSE

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Marvin G. Hollis
E-37508
Salinas Valley State Prison
P. O. Box 1020
Soledad, CA 93960-1020
in pro per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 10, 2007, at San Francisco, California.

L. Santos

Declarant

L. Santos

Signature

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CA 94102-7004

Public: (415) 703-5500
Telephone: (415) 703-5707
Facsimile: (415) 703-5843
E-Mail: Robert.Reyff@doj.ca.gov

November 7, 2007

The Honorable Stephen A. Sillman
Monterey County Superior Court
240 Church Street
Salinas CA 93902-1819

RE: INFORMAL RESPONSE
In re Marvin G. Hollis, Case No. HC 5876

Dear Judge Sillman:

This letter is written pursuant to the Court's request for an informal response to inmate Marvin Hollis's petition for writ of habeas corpus. Petitioner Hollis is a California state inmate at High Desert State Prison who alleges that Salinas Valley State Prison (SVSP) staff failed to properly process his administrative appeal. Hollis also contests the outcome of a Rules Violation Report.

After reviewing Hollis's petition and speaking with prison staff, it was discovered that Hollis's appeal submitted on May 15, 2007, contesting Rule Violation Report number FD-03-0071 was improperly screened out. The appeal is now approved for a Second Level Response, while it appears that the merits of this appeal will be addressed by Second Level Appeal Response, any modification order is contingent on Hollis re-submitting the original appeal with attached supporting documentation. Additionally, Hollis should attach this informal response letter per the request of the SVSP Appeals Coordinator Variz.

Because Hollis has received the relief requested, namely a review of his administrative appeal, this claim should be dismissed as moot. As a general principle, it is the duty of a court to decide only "actual controversies" by judgments which can be carried into effect. "[A]lthough a case may originally present an existing controversy, if before decision it has, through act of the parties or other cause, occurring after the commencement of the action, lost that essential character, it becomes a moot case or questions which will not be decided by the court." (*Wilson v. Los Angeles County Civil Service Com.* (1952) 112 Cal.App.2d 450, 453.)


With respect to his substantive claims, including whether he was properly found guilty of the rule violations, the court cannot review these claims because they have yet to be

November 7, 2007

Page 2

administratively exhausted. It is well settled that an inmate must exhaust all administrative remedies available to him before he may seek relief on a habeas corpus petition. (*In re Dexter* (1979) 25 Cal.3d 921, 925; *In re Muszalski* (1975) 52 Cal.App.3d 500, 503.) Adherence to the exhaustion principle ensures deference to the expertise and discretion of administrative agencies and forestalls a deluge of untimely petitions to an often overburdened judiciary. (*McKart v. United States* (1969) 395 U.S. 185, 193-195.) Hollis must first fully exhaust his administrative remedies and allow the prison to fully investigate and review any issues before judicial review is proper. Accordingly, respondent respectfully requests that this petition be dismissed without prejudice to Hollis.

Sincerely,


ROBERT R. REYFF
Deputy Attorney General
State Bar No. 74945

For EDMUND G. BROWN JR.
Attorney General

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **In re Hollis**

No.: **HC 5876**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On November 8, 2007, I served the attached

INFORMAL RESPONSE

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Marvin G. Hollis
E-37508
High Desert State Prison
Facility A
P.O. Box 3030
Susanville, CA 96127
In Pro Per
E-37508

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 8, 2007, at San Francisco, California.

S. Redd

Declarant



Signature

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

FILED

OCT 15 2007

In re

Marvin G. Hollis

On Habeas Corpus.

) Case No.: HC 58 LISA M. GALDOS
) CLERK OF THE SUPERIOR COURT
) S. GABSIDE DEPUTY
) ORDER

On August 17, 2007, Petitioner filed a petition for writ of habeas corpus.

Petitioner is incarcerated at Salinas Valley State Prison.

On April 3, 2007, Correctional Officer Bohanan issued a Rules Violation Report (RVR) against Petitioner for disrespect of staff. (RVR FD-07-03-0071.) On May 2, 2007, Petitioner's disciplinary hearing was held without his presence. Petitioner was found guilty of disrespect of staff. Petitioner was assessed 30 days forfeiture of credits.

On May 17, 2007, Petitioner submitted his appeal. Petitioner's appeal was screened out on May 21, 2007, June 7, 2007 and July 9, 2007. Petitioner's appeal was screened out on the ground that he had failed to reasonably demonstrate that the issue he was appealing adversely affected his welfare. Petitioner challenged the screen outs on June 5, 2007, July 2, 2007 and July 16, 2007.

Petitioner claims that he was denied his right to appeal the guilty finding.

Petitioner also challenges the guilty finding on various grounds. Petitioner claims that the disciplinary hearing was improperly held without his signed waiver. Petitioner claims that he was denied witnesses. Petitioner claims that he should have been given a counseling chrono before being issued a RVR.

Pursuant to California Rules of Court, Rule 4.551(b), the court requests an informal response from the Office of the Attorney General (Respondent). The informal response should

1 address the following questions: 1) Given the fact that Petitioner was assessed 30 days forfeiture
2 of credits, why was Petitioner's appeal screened out?; 2) Was the disciplinary hearing improperly
3 held without a signed waiver?; 3) Why was Petitioner's request for witnesses denied?; and 4)
4 Should Petitioner have been given a counseling chrono before being issued a RVR?

5 The informal response shall be filed within 15 days from the date of service of this order.
6 Petitioner may file a reply within 15 days from the date of service of the informal response upon
7 Petitioner.

8 The informal response and reply should be mailed to the attention of the Habeas
9 Corpus Department of the Monterey County Superior Court.

10 IT IS SO ORDERED.

11 Dated:

10-15-07



Hon. Stephen A. Silman
Judge of the Superior Court

CERTIFICATE OF MAILING

C.C.P. SEC. 1013a

I do hereby certify that I am not a party to the within stated cause and that on

10/17/07 I deposited true and correct copies of the following document:

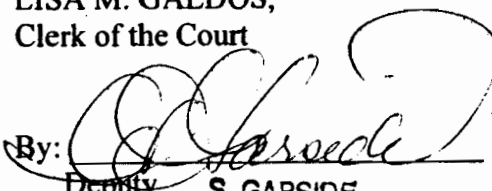
ORDER in sealed envelopes with postage thereon fully prepaid, in the mail at Salinas,
California, directed to each of the following named persons at their respective addresses
as hereinafter set forth:

Marvin Hollis, E-37508
SVSP
PO Box 1050
Soledad, CA 93960

Office of the Attorney General
455 Golden Gate Ave, Suite 11000
San Francisco, CA 94102
Attn: Correctional Law Section

Dated: 10/17/07

LISA M. GALDOS,
Clerk of the Court

By: 
Deputy S. GARSIDE

Name MARVIN GLENN HOLLIS

MC-275

Address P.O. BOX 1050
SOLEDAD, CALIF, 93960

MAY 03 2007

FILED

MAY 03 2007

CDC or ID Number E-37508LISA M. GALDOS
CLERK OF THE SUPERIOR COURT
S. GARSIDE DEPUTYMONTEREY COUNTY
SUPERIOR COURT
(Court)

<u>MARVIN GLENN HOLLIS</u> Petitioner	vs.	<u>M. EVANS, WARDEN</u> Respondent
--	-----	---------------------------------------

PETITION FOR WRIT OF HABEAS CORPUS

No. HC5711
(To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page one of six

This petition concerns:

☐ A conviction☐ Parole☐ A sentence☒ Credits☒ Jail or prison conditions☒ Prison discipline☒ Other (specify): BEING DENIED IN BAD FAITH TO EXHAUST MY ADMINISTRATIVE REMEDY1. Your name: MARVIN GLENN HOLLIS2. Where are you incarcerated? (CDC 3R) SALINAS VALLEY STATE PRISON3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Attempt/Robbery, receiving stolen property and burglary.b. Penal or other code sections: 664-211, 459, 496c. Name and location of sentencing or committing court: SANTA MONICA SUPERIOR COURT
1725 MAIN ST. SANTA MONICA, CALIFORNIA.d. Case number: SA030436e. Date convicted or committed: 2-13-98f. Date sentenced: 3-20-98g. Length of sentence: 8.5 YEARS TO LIFEh. When do you expect to be released? ONCE 3-STRIKE LAW IS CHANGEDi. Were you represented by counsel in the trial court? ☐ Yes. ☒ No. If yes, state the attorney's name and address:

4. What was the LAST plea you entered? (check one)

☒ Not guilty ☐ Guilty ☐ Nolo Contendere ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☒ Jury ☐ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (if you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

The ground that I had a right to appeal the findings and disposition of a serious rules violation upon receiving my final copy per state law and Title 15, division 3, and to have such findings and disposition dismissed or ordered reissued/reheard when procedural and due process violated. and that the (CDCR) 695 screening form is illegal and violates the law.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

ON 4-18-05 petitioner was charged for violating a serious rules violation report log # FD-05-04-0049. Petitioner was subsequently found guilty of such rule violation. Petitioner appealed the guilty finding and on 2-22-06 2nd level of appeal appeal log # SVSP-06-00380 ordered for RVR # FD-05-04-0049 to be reissued/reheard to determine the disparity of the reports by officers Goodlett and Zamora among other things. * (see exhibit (A) 2nd level) * ON 11-17-06 a rehearing was conducted on RVR # FD-05-04-0049 which the reissued RVR was given a new log number of # C06-03-0012R. Petitioner was once again found guilty. Petitioner was issued his final copy of RVR # C06-03-0012R on 12-11-06 by officer Verumen at 1:00 hours. * (see exhibit (B) final copy and note to Verumen) * ON 12-25-06 petitioner appealed the guilty finding by placing his appeal in the appeal drop box. Petitioner's appeal noted various violations and the fact that the senior hearing officer did not adhere to 2nd level appeal response to determine the disparity of the reports by officers Goodlett and Zamora.

* (see continued facts (1)) *

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

* D.O.M. section 54100.18 *

PENAL CODE SECTION 2932(c), DEPARTMENT OPERATIONAL MANUAL SECTIONS 54100.18, 54100.18.2, 3 54100.18.3, TITLE 15, DIVISION 3, SECTIONS 3084.5(1)(1)(2), 3084.1(2), 3320, 3084.3, AND 3004(2). (CCCP) 1085.3 1086, WOLFF V. McDONELL 418 U.S. 539 (1974) (SVSP) 06-00380 2nd level

APPEAL REVIEW DECISION. Signed note by officer Verumen.

* (WRIGHT V. STATE 19 CAL. RPT.R. 3d 92, App. 3d dist. (2004)) *

* (Ground III Facts Continued) *

* (see exhibit (C) Appeal) * ON 1-2-07 ELOY MEDINA, APPEALS COORDINATOR GENERATED A (CORR) 695 SCREENING FORM CITING THAT TIME CONSTRAINTS NOT MET AND WROTE ON THE SCREENING FORM COMPLETE COPY WAS NOT ATTACHED 837 REISSUE/REHEAR ORDER, DATE OF (RVR) ISSUANCE 12-1-06, DATE OF APPEAL RECEIPT 12-27-06. (see exhibit (D) screening form #1). ON 1-24-07 PETITIONER CHALLENGE THE SCREENING FORM AND POINTED OUT THAT THE FACILITY "C" DISCIPLINARY OFFICER SIGNED HIS NAME AND ISSUED PETITIONER HIS FINAL COPY ON 12-11-06, THAT 2ND LEVEL ORDER HAS NOT BEEN AD HEARD TO BY THE SENIOR HEARING OFFICER AND COMPLIED BY ATTACHING THE 837/REISSUE/REHEAR ORDER. (see exhibit (E) Request #1) ON 1-26-07 THE APPEALS COORDINATOR WROTE ON THE SCREENING FORM #1 ASKING PETITIONER WHO WAS THE ISSUING OFFICER?, ACCORDING TO (RVR) APPEAL IS UNTIMELY. (see exhibit (D) screening form #1). ON 2-16-07 PETITIONER SENT HIS APPEAL BACK TO THE APPEALS COORDINATOR POINTING OUT THAT THE FACILITY "C" DISCIPLINARY OFFICER WHO WAS WORKING ON 12-11-06 IS WHO ISSUED PETITIONER HIS FINAL COPY ON 12-11-06 AND THAT PETITIONER PUT HIS APPEAL IN THE APPEAL DROP BOX PER OPERATIONAL PROCEDURE AND THAT DUE TO THE

(GRAND 111 Is continued)

HOLIDAYS STAFF did NOT PROCESS ANY APPEALS ON 12-25-06 OR 12-26-06 IN ADDITION THAT THE SENIOR HEARING OFFICER did NOT Adhere to 2ND LEVEL APPEAL RESPONSE APPEAL # SVSP-06-00380.

(see exhibit (E) Request # (2)) ON 2-23-07 THE APPEALS COORDINATOR ONCE AGAIN SCREENED OUT PETITIONERS APPEAL Citing time constraints not met and wrote that he called FACILITY "C" DISCIPLINARY OFFICER ALVAREZ, who CONFIRMED the FINAL COPY WAS ISSUED ON 12-1-06 this time CANCELLING PETITIONERS APPEAL (see exhibit (D) screening form # 2.) ON 2-22-07 PETITIONER sent his appeal back to the APPEALS COORDINATOR along with A request requesting to be ALLOWED to exhaust his administrative remedy and pointing out due to petitioners housing status in administrative segregation petitioner was UNABLE to find out the NAME OF the DISCIPLINARY ~~officer~~ officer who ISSUED him the FINAL COPY AND that petitioner had 15 days from the date of the 1st screening form to submit his APPEAL. PETITIONER ALSO requested to know how could he exhaust his administrative remedy.

(see exhibit (E) Request # (3))

(GROUND (1) FA S CONTINUED)

ON 3-7-07 the Appeals coordinator generated another (CDC3R) 695 screening form this time citing that no significant adverse effect demonstrated and wrote on the screening form as follows; you state (RVR) IS FALSE, THE (SHO) determined otherwise, That's the purpose of the hearing to determine if I/m is culpable for the charged offense, you present your argument to the charges, The appeals process IS NOT to rehear the (RVR), you have not noted ANY due process / procedural errors.

*(see exhibit (D) screening form # (3)) * ON 3-13-07

petitioner sent his appeal along with a request to the warden in a request to reconsider the review on the screening forms and pointing out that petitioner could now identify the officer name who issued petitioner his final copy on 12-11-06 and requested that officer VERUMAN, be contacted as mentioned in his signed written note attached to exhibit (B), petitioner also pointed out that the senior hearing officer did not adhere to the 2nd level appeal decision in SVSP-06-00380 and requested at a minimum if my appeal would

(3)

* (GRAND 11) FACT CONTINUED *

not be processed and assigned could the RANDER
ENFORCE 2ND LEVEL APPEAL DECISION IN SVSP-
06-00-380 CASE petitioner ~~was~~ given A
Aggravated security housing unit term (SHU)
AS A RESULT OF THE (RVR). (see exhibit (E)
Request #14). ON 3-26-07 the APPEALS COORDINATOR
GENERATED ANOTHER SCREENING FORM CITING THIS
time that time constraints not met AND WROTE
ON THE SCREENING FORM AS FOLLOWS; HOLLIS I
WILL NOT ACCEPT THE APPEAL BECAUSE TIME
CONSTRAINTS WERE NOT MET C/O ALVAREZ, CONFIRMED
THE ISSUANCE DATE PREVIOUSLY, HOWEVER I
WILL FORWARD A COPY OF YOUR LETTER TO THE
CHIEF DISCIPLINARY OFFICER TODAY 3-26-07 THE
WHOLE PACKET. (see exhibit (D) SCREENING FORM #4)

PETITIONER ASSERTS, THE FINAL COPY CLEARLY AND
COMPREHENSIVELY INDICATES THAT OFFICER VERLUMAN,
ISSUED PETITIONER HIS FINAL COPY ON 12-11-06
AND THE APPEALS COORDINATOR ARBITRARY ACTION,
CONTENTIONS, IS REFUTED BY THE FINAL COPY ITSELF
AND OFFICER VERLUMAN, SIGNED NOTE INDICATING

(GROUND 111 cts continued)

the date and time he issued petitioner his final copy. *(see exhibit (B) final copy 3 note)*

The appeals coordinator could have easily called officer VERUMAN, for verification but for some mysterious reason he didn't, nor fairly considered officer VERUMAN, signed written note and signatures on (RVR) and date which clearly shows 12-11-06. All the (CDC's R) 695 forms have a written notation that the screening action may not be appealed. This unauthorized notation is in conflict with state law and Title 15, division 3, which only the departmental review boards decisions are not appealable, thus ~~undermines~~ undermines petitioners right to appeal any action, policy, or decision that has an adverse effect upon him. Petitioner gave the appeal process a fair try in good faith and attempted to exhaust his administrative remedy to the issue raised in appeal of being found guilty of a serious rule violation. There is no plain, speedy, or other remedy other than this petition. Petitioners appeal was timely submitted.

GROUND (1)

2ND LEVEL APPEAL DECISION
(3 PAGES)

Exhibit

ⁿ
A"

State of California

Department of Corrections and Rehabilitation

Memorandum

(1)
(A)

mod ORDER #02-06041

Date: February 22, 2006

To: Inmate Hollis, E-37508
D1-220

Subject: SECOND LEVEL APPEAL RESPONSE LOG NUMBER-SVSP-06-00380

ISSUE:

The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log # FD-05-04-0049, dated 4/18/05 for "Battery on a Peace Officer."

The appellant states the Investigative Employee (IE) Report was inadequate. Officers Goodlett and Zamora provided contradictory statements. Correctional Officer Zamora was needed as a witness in the hearing but was refused by the SHO. The SHO lied on the RVR when the SHO documented that the appellant did not request witnesses. The SHO had a predetermined belief of guilt against the appellant.

REGULATIONS: The rules governing this issue are:

- CCR 3315 Serious Rule Violations
- CCR 3318 Assistance to Inmates for Serious Rule Violations
- CCR 3320 Hearing Procedures and Time Limitations
- CCR 3323 Disciplinary Credit Forfeiture Schedule

SUMMARY OF INVESTIGATION:

The First Level of Review was bypassed per CCR 3084.5(b). Eloy Medina, Appeals Coordinator, was assigned to investigate this appeal at the Second Level of Review. The appellant was interviewed by Eloy Medina regarding this appeal.

In accordance with the CCR §3084.5 (h) Disciplinary Appeals; the RVR and supporting documentation is reviewed for procedural or due process requirements. All submitted documentation and supporting arguments have been considered. Additionally, a thorough examination has been conducted regarding the claim presented by the appellant and evaluated in accordance with Salinas Valley State Prison Operational Procedures (OP); the CCR; and the Departmental Operations Manual (DOM).

A review of the RVR indicates that appellant was charged with CCR 3005 (c), for the specific act of "Battery on a Peace Officer." The charge was classified as a Division "B" offense.

Inmate Hollis E-37508

Appeal Log Number-SVSP-06-00380

Page 2

The discovery date of the RVR was 4/18/05. Appellant received his copy of the RVR on 4/26/05, which was within fifteen (15) days of the discovery.

The hearing was conducted on 12/7/05, not within thirty (30) days of initial issuance to the appellant. The appellant was afforded at least twenty four (24) hours to review to documentation prior to the hearing.

The RVR was referred to the Monterey County District Attorney's (DA) office for possible prosecution. On 8/9/05 the institution was notified that the case was rejected by the DA.

The RVR reflects that the appellant attended the disciplinary hearing held on 12/7/05 and pled "not guilty" to the charge.

The appellant states the hearing was started on 12/7/05 but was postponed until 12/15/05. The appellant provided copies to Eloy Medina during his interview of the appellant's 114A Inmate Segregation Record as proof. A review of the RVR indicates that the RVR hearing was conducted on 12/7/05. The RVR does not document a postponement. This typographical error had no bearing on the findings of the RVR or hampered the appellant's ability to provide a defense against the charges.

A Staff Assistant was not assigned, pursuant to CCR 3315(d)(2).

Appellant was a participant in the Mental Health Services Delivery System (MHSDS) at the C CCMS level of care. The circumstances of the RVR do not indicate that the appellant exhibited any bizarre behavior that would raise concerns about his mental health. At the hearing, the appellant did not demonstrate any strange, bizarre, or irrational behavior. Therefore, a Mental Health Assessment was not initiated. However, when inmates are utilizing the shower, they do not normally continue to hit the alarm (intercom) located beside the shower. Eloy Medina asked the appellant why he (appellant) continued to hit the alarm (intercom). The appellant stated he continued to hit the alarm (intercom) beside the shower to get the attention of staff. The appellant stated he was done with his shower and wanted to return to his cell. This action, in itself, did not constitute bizarre behavior. However, after the appellant was escorted to a holding cell after this incident, the appellant attempted to commit suicide. The act of attempting to commit suicide in conjunction with this incident raises enough concern to warrant a Mental Health Assessment.

An Investigative Employee (I.E.) was assigned, pursuant to CCR 3315(d)(1). The appellant contends that the IE Report was not adequate. The reviewer finds that CCR 3315(d)(1) was adhered to and the appellant was able to provide an adequate defense. In addition, the CDC 115A documents that the appellant waived the twenty four (24) hour period prior to the hearing of the RVR. It would stand to reason that if the IE Report was inadequate, the appellant would not request to waive his twenty four hour preparation period.

Inmate Hollis E-37508

Appeal Log Number-SVSP-06-00380

Page 3

The SHO determined a guilty finding, and assessed zero (0) days credit loss due to lost time constraints.

The appellant states he was not allowed witnesses at the hearing. A review of the RVR indicates the appellant's signature indicating the appellant waived the presence of requested witnesses.

The appellant states the SHO had a predetermined belief of the appellant's guilt. The appellant provided no evidence to support his allegation.

The appellant states Officers Goodlett and Zamora provided contradictory statements. A review of the Crime/Incident Report (837) confirms that there is a disparity in the reports of the employees. The SHO failed to address this disparity in the findings of the RVR.

* This review finds the following due process errors; a Mental Health Assessment should have been completed and the disparity of the reports by Officers Goodlett and Zamora should have been addressed in the findings of the RVR.

DECISION: The appeal is Partially Granted. MODIFICATION ORDER REQUIRED

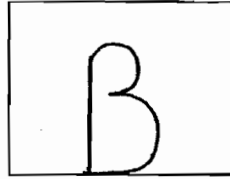
* MODIFICATION ORDER: In accordance with Title 15, California Code of Regulations Section 3312(b)(1), Rule Violation Report FC05-04-0049, dated 4/18/05 for "Battery on a Peace Officer" is ordered retyped and reissued within fifteen (15) days of the date of the Chief Disciplinary Officer's (CDO) order. Ensure that the date of the rehearing order is included in the body of the Rule Violation Report, including the name of the CDO ordering the rehearing. A Mental Health Assessment will need to be completed. A new Senior Hearing Officer (SHO) shall be assigned to this matter and ensure that all procedural due process rights are afforded the inmate as provided in Title 15, Division 3.

The appellant is advised that this issue may be submitted for a Director's Level of Review, if desired.



A. HEDGPETH
Chief Deputy Warden (A)
Salinas Valley State Prison

EXHIBIT COVER PAGE



EXHIBIT

DESCRIPTION OF THIS EXHIBIT: *NOTE FROM OFFICER
VERUMAN, AND FINAL COPY OF REISSUED (RVR)
COB-03-0012R*

NUMBER OF PAGES TO THIS EXHIBIT: 11 PAGES

JURISDICTION: (CHECK ONLY ONE)

☐

MUNICIPAL COURT



SUPERIOR COURT

☐

APPELLATE COURT

☐

STATE SUPREME COURT

☐

UNITED STATES DISTRICT COURT

☐

STATE CIRCUIT COURT

☐

UNITED STATES SUPREME COURT

☐

GRAND JURY

PETITIONERS REQUESTS CHALLENGING
SCREENING FORMS.
(4) PAGES

Exhibit

"E"

7. Ground 2 or Ground 2 (If applicable):

The ground that I had a right to be present at my disciplinary hearing without a signed waiver and the ground I had a right to appeal the findings and disposition that resulted in a loss of good time credits, and to have such findings and disposition dismissed or ordered revised reheard when procedural and due process was violated.

a. Supporting facts:

ON 2-21-07 I WAS CHARGED WITH VIOLATING A SERIOUS RULES VIOLATION FOR OBSTRUCTING A PEACE OFFICER. THE BODY OF THE RULES VIOLATION REPORT INDICATE THAT PETITIONER REFUSED TO ACCEPT A COMPATIBLE CELLMATE INMATE BARNETT T-38323 HOUSED IN FACILITY D- housing unit NUMBER 18) EIGHT CELL NUMBER 219. THE REPORT ALSO INDICATES THAT BECAUSE BOTH PETITIONER AND THE OTHER INMATE WAS BLACK AND NON-AFFILIATED THAT THEY WERE COMPATIBLE. ON 2-26-07 PETITIONER WAS ASSIGNED AN INVESTIGATING EMPLOYEE IN WHICH PETITIONER MADE A STATEMENT THAT HE REQUEST TO BE FOUND NOT GUILTY IN THE INTEREST OF JUSTICE, THERE IS NOT AN INMATE BARNETT ASSIGNED TO D-8-219 AS ADDRESSED IN THE WRITTEN REPORT. THERE WAS NOT A (CDC3R) OR (CDC3R) 154 GENERATED ON 2-21-07 FOR AN INMATE TO BE ASSIGNED TO MY CELL. I'M CURRENTLY DEEMED A THREAT TO THE SAFETY AND SECURITY TO THE INSTITUTION, STAFF, AND OTHER INMATES AND I'M CURRENTLY ASSIGNED WALK ALONE STATUS BY THE INSTITUTION CLASSIFICATION COMMITTEE, AND THAT I REQUESTED EVIDENCE AT MY HEARING.

(SEE EXHIBIT (A) PETITIONERS STATEMENT) ON 3-21-07 A DISCIPLINARY HEARING WAS CONDUCTED BY SENIOR HEARING OFFICER LT. R.A. BOCCILLA, WITHOUT PETITIONERS PRESENCE. LT. BOCCILLA, ARBITRARILY FOUND PETITIONER GUILTY AND ASSESSED PETITIONER 90 DAYS FORFEITURE OF good time credits, AND ASSESSED

(SEE CONTINUED GROUND (2) FACTS)

b. Supporting cases, rules, or other authority:

PENAL CODE SECTION 2932(d), WOLFF V. McDONELL 418 U.S. 539 (1974), IN RE CARTER 199 CAL. APP 3d. 271, 276, (1988) 244 CAL. RPT. 648, IN RE LUSERO SUPRA 4 CAL. APP. 4th AT P. 575, 5 CAL. RPT. 2d 729, SUPERINTENDENT V. HILL 472 U.S. 445, 454-456 (1985), TITLE 15, DIVISION 3 SECTIONS 3320(9)(3), (h), 3(l), 3084.5(k)(1)(2), 3084.3, 3084.1(2), AND 3004(2). (CCCP) 10853 1086. WRIGHT V. STATE 122 CAL. APP. 4th 659 (2004) D.O.M. 54100.18.

* (GROUND (2) SUPPORTING FACTS) *

petitioner 90 DAYS LOSS OF PRIVILEGES, FAMILY VISITS, TELEPHONE, ~~THE~~ CANTEEN DRAW, QUARTERLY PACKAGES, SPECIAL PURCHASES, AND 10 DAYS LOSS OF YARD. THE HEARING OFFICER ALSO REFERRED petitioner to the INSTITUTION CLASSIFICATION COMMITTEE to be PLACED ON "C" STATUS AND NOTED CONCLUDING THAT petitioner WAS ADVISED OF HIS APPEAL RIGHTS AND THAT HE WOULD RECEIVE A FINAL COPY OF THE COMPLETED RULES VIOLATION REPORT. *(see exhibit (B)) * ON OR ABOUT 3-3-07 petitioner RECEIVED HIS FINAL COPY OF RVR#FD-07-02-0084. ON 4-2-07 petitioner SUBMITTED A (CDC) 602 APPEALING THE GUILTY FINDING AND LOSS OF GOOD TIME CREDITS AND PRIVILEGES. (see exhibit (C)) PETITIONER RAISED THE ISSUES IN HIS APPEAL THAT HE WAS DENIED A FAIR AND IMPARTIAL HEARING AND THAT HIS PROCEDURAL AND DUE PROCESS WAS VIOLATED AMONG THAT petitioner WAS DENIED THE OPPORTUNITY TO BE PRESENT AT THE HEARING AND DID NOT SIGN A WAIVER PER TITLE 15. DIVISION 3 RULES.

GROUND (2) SUPPORTING FACTS

PETITIONER ALSO pointed out that the SENIOR hearing OFFICER ARBITRARILY found him GUILTY, that the hearing WAS UNCONSTITUTIONAL AND ONE sided AND that NOT of petitioners RELEVANT evidence, statements to the INVESTIGATING employee, OR mitigating INFORMATION WAS CONSIDERED BY the SENIOR hearing OFFICER at the hearing NOR did the FINDING have ANY bases IN FACT AND that the GUILTY finding WAS based ON PERSONAL ANIMOSITY due to her being a DEFENDANT IN one of petitioners CIVIL ACTIONS CASE # M71739. PETITIONER ALSO pointed out IN his APPEAL that there WAS NEVER A INMATE BARNETT T-38323 ASSIGNED to D-8-219 AS ALLEGED IN the RULES VIOLATION REPORT AND the GUILTY finding WAS predetermined WHICH IS NOT ALLOWED per TITLE 15. DIVISION 3. (see exhibit (C) APPEAL)

* (GROUND 1) SUPPORTING FACTS) *

The appeal was given a Log # SVSP-07-01510 with a due date of 5-15-07 for a 2nd level response in which the informal and 1st level was bypassed. The appeal was also given a category # 1. On 4-4-07 the appeals coordinator screened out petitioners appeal in bad faith citing that no significant adverse effect demonstrated with a written notation as follows; no due process/procedural errors, your statements refuted by RVR, appellant refused to attend hearing. preponderance of evidence noted by (SHO) D-8-219 is typo and had no bearing on hearing, your attempts to make this a racial issue has no bearing. The (RVR) clearly indicated you refused all cellmates by stating "I ain't taking no cellie" they f--- with me, I'll f--- with them. *(see exhibit (c) screening form)*

* (GROUND IN SUPPORTING FACTS) *

THE APPEALS COORDINATOR ALSO WROTE AT THE BOTTOM OF PETITIONERS APPEAL THAT ON 4-16-07 REJECTED BY HIRING ~~THE~~ AUTHORITY AS STAFF COMPLAINT. ALTHOUGH PETITIONERS APPEAL WAS NOT SUBMITTED AS A STAFF COMPLAINT OR CATEGORIZED AS A STAFF COMPLAINT THE APPEALS COORDINATOR MADE UP ~~AN~~ ADDITIONAL EXCUSE TO SCREEN OUT PETITIONERS APPEAL. ON 4-22-07 PETITIONER CHALLENGED THE SCREENING FORM STATING AS FOLLOWS; THE SCREENING FORM IS INACCURATE. I SUFFERED LOSS OF GOOD TIME CREDITS AND PRIVILEGES WHICH IS A ADVERSE EFFECT, THE (SHO) ADVISED ME THAT I HAVE A RIGHT TO APPEAL HER DISPOSITION AND FINDINGS. THE BODY OF THE (RVR) CLEARLY AND COMPREHENSIVELY STATED I REFUSED TO ACCEPT A INMATE ASSIGNED TO D-8-219 WHICH THE REPORTING EMPLOYEE SIGNED AS A TRUE AND CORRECT REPORT. THE (SHO) HAD A PREDETERMINED BELIEF AND DENIED ME MY RIGHT TO ATTEND THE HEARING WHICH ~~THE~~ A SIGNED "WAIVER" WAS REQUIRED AMONG OTHER CHALLENGES.

* (see exhibit (D)) *

* (GROUND (2) SUPPORTING FACTS) *

THE APPEALS COORDINATOR DID NOT CONSIDER OR RESPOND TO PETITIONER'S CHALLENGE TO THE SCREENING AND ON 4-27-07 THE APPEAL WAS RETURNED TO PETITIONER WHICH THE APPEALS COORDINATOR JUST STAMPED THE APPEAL AS DELIVERED ON 4-27-07. *(see exhibit (c) back side of appeal)* PER SCREENING FORM INSTRUCTIONS AT THE BOTTOM OF THE SCREENING FORM THE SCREENING ACTION MAY NOT BE APPEALED. *(see exhibit (c) screening form)* THE APPEALS COORDINATOR WAS NOT PRESENT DURING THE DISCIPLINARY HEARING OR INVESTIGATED ANY OF THE ALLEGATIONS MADE IN MY APPEAL THUS CAME TO A PERSONAL CONCLUSION WHICH WAS WRONG THAT PETITIONER DID NOT PRESENT ANY PROCEDURAL OR DUE PROCESS ERRORS NOR DEMONSTRATED A ADVERSE EFFECT. THE UNLAWFUL SCREENING FORM IS CONTRARY TO TITLE 15. DIVISION 3 APPEAL PROCEDURES WHICH STATES PETITIONER CAN APPEAL ANY ACTION,

* (Grounds supporting facts) *

decision, or policy as having a adverse effect. The screening form is designed so petitioner has to go through a mind ~~field~~ of pit falls in order for his appeal to be assigned for investigation and response. There is no administrative remedy available to petitioner to appeal the unjust, unfair, arbitrary guilty finding. There was not legitimate penological interest to deny petitioner his right to appeal the guilty finding resulting in the loss of good time credits and privileges. Petitioner's appeal was timely and not frivolous thus presented ~~issues~~ that could of been handled on the administrative level. Petitioner is without remedy. At the minimum, petitioner had a right to attend his disciplinary hearing to defend against the charges without a signed waiver.

Investigating employee report / Petitioners
statement to I.E.

(1) Page

(Ground (2) exhibit)

Exhibit



STATE OF CALIFORNIA

(A)

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE ____ OF ____

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-07-02-0084	INSTITUTION SVSP	TODAY'S DATE 02/26/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On 02/26/07, I, Correctional Officer J. Spaulding was assigned as Investigative Employee for CDCR-115, Log# FD-07-02-0084. I informed Inmate HOLLIS of my assignment and that as Investigative Employee my duties were as a fact finder for the Senior Hearing Officer. Inmate HOLLIS stated that he had no objections to my serving in this capacity.

DEFENDANT'S STATEMENT: On 02/26/07, I interviewed Inmate HOLLIS (E-37508) regarding the disciplinary charges, and Inmate HOLLIS made the following statement: "I request to be found not guilty in the interest of justice. There is not an inmate BARNETT assigned to D8-219 as addressed in the written report. There was not a CDCR-1882-B or CDCR-154 generated on 02/21/07 for an inmate to be assigned to my cell. I'm currently deemed a threat to the safety and security to the institution, staff and other inmates and I'm currently assigned walk-alone status by IOC Committee. I request CDCR-1882-B or CDCR-154 to be evidence at hearing."

REPORTING EMPLOYEE'S STATEMENT: On 02/26/07, I interviewed Correctional Sergeant R. Nava, regarding Inmate HOLLIS disciplinary charges, and Sergeant R. Nava, made the following statement: "Inmate HOLLIS refused to take a compatible cellie and stated that he told Committee that he would not accept a cellmate."

INVESTIGATIVE EMPLOYEE'S STATEMENT: On 02/26/07, I, Correctional Officer J. Spaulding made the following statement: "I interviewed all Staff and Inmate HOLLIS concerning this RVR". (Inmate BARNETT WAS NOT INTERVIEWED)

Inmate HOLLIS requested the following witnesses to be present at the disciplinary hearing.

NAME	POSITION	ROOM'S
Sergeant R. Nava	D-Program Sgt	F/S

Request CDCR1882-B or CDCR-154 to be evidence at hearing.

J. Spaulding, Correctional Officer

SIGNATURE OF WRITER <i>J. Spaulding</i>		DATE SIGNED 2/27/07	
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>S. Celaya</i>	DATE SIGNED 2/27/07	TIME SIGNED 1130

FINAL COPY OF (RVRI) # FD-07-02-0084
(4) PAGES

(GROUND (2) exhibit)

Exhibit

"B"

804 to Records
STATE OF CALIFORNIA

Date: 12/1

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	RELEASE/BOARD DATE EARLY	INST. SVP	HOUSING NO. D8-113	LOG NO. ED-07-02-0084
VIOLATED RULE NO(S). CCR §3005(b)		SPECIFIC ACTS WILLFULLY OBSTRUCTING A P.O./CELLMATE		LOCATION D8-B* Pod	DATE 02/21/07
CIRCUMSTANCES		TIME 1545 hours			

On 02/21/07, at approximately 1545 hours, while I was assigned as D-8 Ad-Seg Sergeant, I notified Inmate HOLLIS (E-37508, D8-113L) that he was expected to and would be receiving a compatible cellmate. Inmate HOLLIS refused to accept a compatible cellmate by stating, "I already told Committee that I wasn't accepting a cellie. They fuck with me, I'll fuck with them." I notified Inmate HOLLIS that he was in violation of Title 15, CCR §3005(b) and O.P. #42. The need for housing in Ad-Seg is high and his refusal to accept a compatible cellmate would obstruct the program in D-8 Ad-Seg. A review of Inmate HOLLIS CCR-114-D indicated that he was Double Cell Approved by Captain B. Rankin on 12/02/06. I again notified Inmate HOLLIS that he was expected to and would be receiving a compatible cellmate. Inmate HOLLIS refused again by stating, "I ain't taking no cellie." I was attempting to cell Inmate HOLLIS with Inmate BARNETT (T-38323, D8-219). Neither Inmate is listed on the others CCR-812, both Inmates are Black Non-Affiliates and Double Cell approved. Inmate HOLLIS continued to refuse to accept ~~any~~ of the compatible cellmates. Inmate HOLLIS has received multiple CCR-115's for this same behavior on 02/15/06 and 07/24/06 for Willfully Obstructing a Peace Officer/Cellmate. Inmate HOLLIS was found Guilty in both cases. Inmate HOLLIS is aware of this report. Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the CCRS level of care.

REPORTING EMPLOYEE (Typed Name and Signature) R. Nava, Correctional Sergeant		DATE 2/21/07	ASSIGNMENT D-8 ASU Sergeant	ROO'S F/S
REVIEWING SUPERVISOR'S SIGNATURE [Signature]		DATE [Blank]	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: D	DATE [Blank]	CLASSIFIED BY (Typed Name and Signature) [Signature]	HEARING REFERRED TO <input type="checkbox"/> NO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> PC
COPIES GIVEN INMATE BEFORE HEARING				
<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) [Signature]	DATE 1/20/07	TIME 11:00	TITLE OF SUPPLEMENT [Blank]
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) [Signature]	DATE [Blank]	TIME [Blank]	BY: (STAFF'S SIGNATURE) [Signature]

HEARING
Plan: Inmate HOLLIS refused to attend this CCR-115 hearing. The SHO proceeded with the hearing, entering a plea of NOT GUILTY on the Inmate's behalf.

Findings: Inmate HOLLIS was found GUILTY of CCR §3005(b), specifically "Willfully Obstructing A Peace Officer," a Division "D(6)" offense. This finding is based on the preponderance of evidence presented at the hearing which does substantiate the charge. The evidence presented at the hearing included: (Findings Can't See CCR-115C)

Disposition: Inmate HOLLIS was assessed 90 days forfeiture of credits in accordance with a Division "D(6)" offense per CCR §3323(f)(6). Inmate HOLLIS was counseled, warned, and reprimanded. *

Additional Disposition: Inmate HOLLIS was assessed 90 days loss of privileges to begin on 03/22/07 through 06/21/07. Loss of privileges includes: Ten Days Loss Of Yard (From 03/22/07 through 03/31/07), Family Visits, Telephone, $\frac{1}{2}$ Canteen, Draw, Quarterly Package and Special Purchase.

Classification Referral: N/A. Refer to ICC for Program Review and 'C' status placement. *

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME) R.A. Boccella, Correctional Lieutenant	SIGNATURE [Signature]	DATE 03/21/07	TIME 0915
REVIEWED BY: (SIGNATURE) B. Rankin, Facility Captain	DATE [Blank]	CHIEF DISCIPLINARY OFFICER'S SIGNATURE M. P. Moore III, CDO	DATE [Blank]
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) [Signature]	DATE [Blank]	TIME [Blank]

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE 1 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER PD-07-02-0084	INSTITUTION SVSP	TODAY'S DATE 03/21/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

Hearing Date: 03/21/07.

Time: 0915 hours.

Any Postponement Explained: N/A.

Inmate Plea and Statement: Inmate HOLLIS refused to attend this CDCR-115 hearing. The SHO proceeded with the hearing, entering a plea of NOT GUILTY on the Inmate's behalf.

Inmate's Health: Inmate HOLLIS refused to attend this hearing. Inmate was given an opportunity to attend, however, elected not to participate, stated to Correctional Officers D. Ramos and Tran "I am cool." Inmate appears to be in good health as observed by this SHO and witnessed by Officers D. Ramos and Tran. The SHO elected to proceed with this disciplinary process (See attached CDCR-1288).

MHSDS: Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the CCMS level of care. The circumstances of the RVR do not indicate that Inmate HOLLIS exhibit any bizarre behavior that would raise concerns about his mental health. At the hearing, Inmate HOLLIS did not demonstrate any strange, bizarre, or irrational behavior.

DUE PROCESS: Date of Discovery: 02/21/07.

Initial RVR copy served on: 02/25/07.

Incident Package served on: N/A.

D.A. results issued date: N/A.

Hearing started on: 03/21/07.

CDCR-115-MH served on: N/A.

I.E. document served on: 02/27/07.

Last document served on: 02/27/07.

D.A. Referral: This matter was not referred to the Monterey County District Attorney's Office.

Time Constraints: All time constraints have been met pursuant to CCR §3320(b). Inmate HOLLIS was provided a copy of the CDCR-115 within 15 days after the discovery of information leading to the charges. Hearing was held within 30 days of the date the inmate was provided a copy of the CDCR-115. Inmate HOLLIS received all documents used for this hearing 24 hours prior to the hearing.

TAFE Score: Inmate HOLLIS TAFE Reading Score was Above 4.0 as noted in the Central File.

Staff Assistant (SA): Staff assistant was not assigned per CCR §3315 (d)(2)(A). Due to Inmate HOLLIS's refusal to attend and/or participate in this RVR hearing, Officer D. Ramos will later inform Inmate HOLLIS of the results/outcome of the Disposition.

Investigative Employee (IE): Inmate HOLLIS requested and does meet the criteria for assignment of an Investigative Employee. Correctional Officer J. Spaulding was assigned. Officer J. Spaulding interviewed Inmate HOLLIS as part of the investigative process, gathered information from witnesses, asking each witness specific questions posed by Inmate HOLLIS and follow up questions posed by I.E. for clarification purposes. Officer J. Spaulding prepared his report, to include his summation of the facts, and provided a copy of the report to Inmate HOLLIS more than 24 hours prior to this hearing.

Evidence Requested or Used: Inmate HOLLIS requested the CDCR-1882 and CDCR-154 as evidence to be present at the hearing; SHO Denied, there was none generated. Inmate HOLLIS refused to ever exit his cell to talk to several inmates that were compatible.

R.A. Boccella, Correctional Lieutenant

(DISPO CON'T SEE CDCR-115C PAGE 2)

SIGNATURE OF WRITER <i>R.A. Boccella</i>		DATE SIGNED 03/21/07	
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED <i>[Signature]</i>	TIME SIGNED <i>[Signature]</i>

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-07-02-0084	INSTITUTION SVSP	TODAY'S DATE 03/21/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

External/Outside Evidence: N/A.

Video Tape Evidence: N/A.

Confidential Information: N/A.

Witness Requested: Inmate HOLLIS did request Reporting Employee Sergeant R. Nava as witness to be present at the hearing; S/D Granted.

Witness Testimony at Hearing: Reporting Employee Sergeant R. Nava stated at the hearing that "Inmate HOLLIS refused to submit to cuffs to even talk to anyone. There was no CDCR-1892 and CDCR-154 because Inmate HOLLIS refused to accept any cellie, before I could not initiate move and forms."

Enemy Concerns: There was no enemy concerns related with this disciplinary hearing.

Findings: Inmate HOLLIS is found GUILTY as charged. This finding is based upon the following preponderance of evidence:
1) RVR Log #FD-07-02-0084, authored by Reporting Employee (R.E.) Correctional Sergeant R. Nava:

- a) Reporting Employee Sergeant R. Nava informed Inmate HOLLIS (E-37508) that he was expected to and would be receiving a compatible cellmate per O.P. #42 signed by the Warden.
- b) Sergeant R. Nava was an eyewitness to Inmate HOLLIS refusing to accept a compatible cellmate, by stating "I already told Committee that I wasn't accepting a cellie. They fuck with me, I'll fuck with them."
- c) Sergeant R. Nava informed Inmate HOLLIS that his excuses were not acceptable, Inmate HOLLIS refused again, stated "I ain't taking no cellie."
- d) A review of Inmate HOLLIS CDCR-1140 indicated that he was double cell approved by Captain B. Rankin on 12/02/06.
- e) Sergeant R. Nava was attempting to house Inmate HOLLIS with Inmate BARNETT (T-38323).

2) Inmate HOLLIS failed to provide a defense to the charges on his behalf. *

CONCLUSION: Based on the aforementioned facts, this S/D finds the preponderance of the evidence relied upon has been met to render and sustain a finding of Guilt on the charged offense of Inmate HOLLIS violating CCR §3005(b); specifically, "Willfully Obstructing A Peace Officer," a Division "D(6)" offense per CCR §3323(f)(6).

Appeal Rights: Inmate HOLLIS was advised of his rights to appeal per CCR section §3084.1 (a). Inmate HOLLIS was informed he would receive a copy of the completed RVR upon final review of the Chief Disciplinary Officer. Inmate HOLLIS was further advised of credit restoration per CCR §3327 and §3328.

R.A. Boccella, Correctional Lieutenant

SIGNATURE OF WRITER		DATE SIGNED 03/21/07	
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
	<i>[Signature]</i>	3/21/07	<i>[Signature]</i>

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

SERIOUS RULES VIOLATION REPORT

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	VIOLATED RULE NO(S). C.C.R. §3005(b)	DATE 02/21/07	INSTITUTION SVSP	LOG NO. ED-07-02-0084
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION N/A	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE N/A	DATE

STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE N/A	DATE
<input checked="" type="checkbox"/> ASSIGNED	DATE 2-26-07	NAME OF STAFF J. Spaulding
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DNMC per Title 15, Sec. 3315 - GPL: 8	

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE N/A	DATE
<input checked="" type="checkbox"/> ASSIGNED	DATE 2-26-07	NAME OF STAFF J. Spaulding
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DNMC per Title 15, Sec. 3315	

EVIDENCE / INFORMATION REQUESTED BY INMATE:

None

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

<input checked="" type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input type="checkbox"/> NONE
--	--	---	--------------------------------	-------------------------------

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)

GRANTED	NOT GRANTED
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)

GRANTED	NOT GRANTED
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

(I.E. CAN'T SEE CDC-115-C)

J. Spaulding, Correctional Officer

<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) J. Spaulding	TIME 1150	DATE 2/25/07
--	--	---------------------	------------------------

(CDC) 602 / 3 SCREENING FORM
(4) PAGES.

* (GROUND (2) exhibit) *

Exhibit

"C"

**INMATE/PAROLEE
APPEAL FORM**
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. SVSPD1. 07-01510

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

DND

FD-07-02-0084

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
MARVIN HOLLIS	E-37508	*ACJ-SEG*	D-8-220

A. Describe Problem: THIS COMPLAINT IS FILED AGAINST SALINAS VALLEY STATE PRISON (CDO) M.P. MOORE, (SHO) R.A. BOCCILLA, AND SGT. R. NAVA. ON 3-21-07 I WAS DENIED A FAIR AND IMPARTIAL HEARING TO RVR# FD-07-02-0084 AND PROCEEDURAL AND MY DUE PROCESS RIGHTS WAS VIOLATED. I WAS DENIED THE OPPORTUNITY TO BE PRESENT AT MY HEARING AND I DID NOT SIGN A WAIVER NOR IS THERE A WAIVER IN MY CENTRAL FILE INDICATING THAT I REFUSED TO SIGN A WAIVER WHICH IS IN VIOLATION OF CCR. 9320(9)(3).

If you need more space, attach one additional sheet.

(SEE ATTACHMENT)

B. Action Requested: FOR RVR# FD-07-02-0084 TO BE DISMISSED IN THE INTEREST OF JUSTICE OR ORDERED TO BE REISSUED REHEARD PER CCR. 3084.5 (h)(1)(2). THAT ALL LOSS TIME CREDITS AND PRIVILEGES BE RESTORED RELATED TO RVR# FD-07-02-0084, STOP SEGREGATING

Inmate/Parolee Signature: MARVIN H. HOLLIS BY RACE Date Submitted: 4-2-07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____

BYPASS
4/10/07 rejected by Haring Authority as staff complaint



FILED APR 03 2007

* (CONTINUED FROM SECTION (A) - 3) * (C)

THE SHOU ARBITRARILY FOUND ME GUILTY AND HER DECISION HAD NO BASIS IN FACT. THE HEARING WAS UNCONSTITUTIONAL AND ONE SIDED. NONE OF MY RELEVANT EVIDENCE, STATEMENTS TO THE INVESTIGATING EMPLOYEE, OR MITIGATING INFORMATION WAS CONSIDERED BY THE SHOU AT MY HEARING. THE SHOU HAD A PREDETERMINED BELIEF OF ME BEING GUILTY AND HER ARBITRARY GUILTY FINDING WAS BASED ON PERSONAL ANIMOSITY DUE TO HER BEING A DEFENDANT IN ONE OF MY CIVIL ACTIONS CASE # M71739. PER CCR 3320 (H); STAFF WHO OBSERVED, REPORTED, CLASSIFIED SUPPLIED SUPPLEMENTAL REPORTS TO, OR INVESTIGATED THE ALLEGED RULE VIOLATION, WHO ASSISTED THE INMATE IN PREPARING FOR THE HEARING; OR FOR ANY OTHER REASON HAVE A PREDETERMINED BELIEF OF THE INMATES GUILT OR INNOCENCE "SHALL" NOT HEAR THE CHARGES OR BE PRESENT DURING DELIBERATIONS TO DETERMINE GUILT OR INNOCENCE AND DISPOSITION OF THE CHARGES. THE REPORTING EMPLOYEE WAS DISHONEST IN HER REPORT AND APPEARED TO RACIALLY DISCRIMINATE BY ENFORCING SEGREGATION BY FORCING ONLY AFRICAN AMERICAN PRISONERS TO CELL UP. ALTHOUGH THERE WAS NEVER A INMATE ~~BARNETT~~ BARNETT T-38323, ASSIGNED TO D-8-218 IT'S CLEAR FROM SGT. NAVA, WRITTEN REPORT SHE SEGREGATES BY RACE WHICH IS A VIOLATION OF CLEARLY ESTABLISHED FEDERAL LAW. RECORDS WILL SHOW NO INMATE BARNETT WAS EVER ASSIGNED TO D-8-219 WHICH CLEARLY SHOWS SGT. NAVA, LIED IN HER REPORT AND TO THE SHOU AT THE HEARING. * (OVER ON BACK) *

my defense to the charge was not considered in my statement to the I.E. I WAS APPROVED FOR WALK ALONE STATUS BY I.C.C. WHICH MEANS I'M NOT ALLOWED TO COME INTO CONTACT WITH ANY OTHER INMATES. PER CCR 3004(2); INMATES HAVE THE RIGHT TO BE TREATED FAIRLY AND IMPARTIALLY BY ALL EMPLOYEES. IT IS OF PARAMOUNT THAT THE ACTION REQUESTED BE GRANTED. (CDO) MOORE HAS APPROVED OF ALL THE VIOLATIONS AND HAS CONDONED THE (SHO) AND REPORTING EMPLOYEE ACTIONS.

* (CONTINUED FROM SECTION (B)) *

DURING HOUSING ASSIGNMENTS. THAT I NOT BE ASSIGNED A CELL PARTNER AS LONG AS I'M DEEMED A THREAT TO THE SAFETY AND SECURITY OF THE INSTITUTION, STAFF AND OTHER, INMATES.

(C)

SUM-100

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

JAN 23 2006

LISA M. GALDOS
CLERK OF THE SUPERIOR COURT
DEPUTY

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

A.A. Lamarque, R. Boccella, R. Reynaga; J. Crabtree

Does 1 to 4

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Marvin Glenn Hollis

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of Monterey
1200 Aguajito Rd.,
Monterey, CA 93940

CASE NUMBER:
(Número del Caso):

M71739

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Marvin Glenn Hollis, E-37508

P.O. Box 1060, D-5-207 Soledad, CA 93960

J. RODRIGUEZ

DATE:

(Fecha)

JAN 23 2006

LISA M. GALDOS

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1

State of California

INMATE / PARC E APPEAL SCREENING FORM

Department of Corrections and Rehabilitation
CDCR-695INMATE: Hollis CDC #: E-37508 CDC HOUSING: D8-220

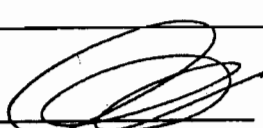
THIS IS NOT AN APPEAL RESPONSE – THIS APPEAL IS EITHER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR RETURNED TO YOU TO ATTACH SUPPORTING DOCUMENTS.

YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

- | | |
|---|--|
| <input checked="" type="checkbox"/> [] Duplicate Appeal; Same Issue | <input type="checkbox"/> [] Limit of One Continuation Page May Be Attached |
| <input checked="" type="checkbox"/> [] Do Not Combine Staff Complaints with Other Issues | <input type="checkbox"/> [] Inappropriate Statements |
| <input type="checkbox"/> [] Time Constraints Not Met | <input type="checkbox"/> [] Action / Decision Not Taken By CDCR |
| <input checked="" type="checkbox"/> [] Cannot Submit On Behalf Of another Inmate | <input type="checkbox"/> [] DRB Decisions Are Not Appealable |
| <input checked="" type="checkbox"/> [] No Significant Adverse Effect Demonstrated | <input type="checkbox"/> [] Appealing Action Not Yet Taken |
| <input type="checkbox"/> [] Pointless Verbiage/Appeal is vague | <input type="checkbox"/> [] May Submit One (1) Non-Emergency Appeal Per Week |
| <input type="checkbox"/> [] Incomplete 602 | <input type="checkbox"/> [] Not A Request Form; Use CDCR-7362 – to access Medical |
| <input type="checkbox"/> [] Attempting to Change Original Appeal Issue | Services, submit your request on a CDCR-Form 7362. |
| <input type="checkbox"/> [] Not Authorized to Bypass Any Level | If necessary, sign up for sick call. |
| <input type="checkbox"/> [] Request for Interview; Not an Appeal | <input type="checkbox"/> [] Write your appeal in black or blue ink, this is a legal |
| <input type="checkbox"/> [] Numerous and separate issues | document and pencil/inks other than black or blue do |
| | not copy legibly |

PLEASE FOLLOW INSTRUCTIONS AND RETURN YOUR CDC 602 WITHIN 15 WORKING DAYS**Comments:** You may write on back of this form to clarify or respond to the above.

no due process/procedural errors/Your statements refuted by RVR.
• Appellant refused to attend hearing.
• preponderance of evidence noted by SHD
• D8-219 is typo i had no bearing on hearing.
• your attempts to make this a racial issue
has no bearing. The RVR clearly indicates
you refused all cellmates by stating "I ain't
taking no cellic" "they f--- with me, I'll
f--- with them."


 Eloy Medina, CC-II
 Appeals Coordinator
Date: 4/4/07

This screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on a separate piece of paper, or use the back of this screen out – do not write any more on the appeal itself. Please return this form to the Appeals Coordinator with the necessary information attached.

NAME Hollis and NUMBER E-37508

CDC-128-B (Rev. 4/74)

Inmate Hollis E-37508, on 11-08-06 the Facility C Captains Office
received a Wardens correspondence regarding an appeal able issue relative to a
Rule Violation Report. On 5-5-06 a Wardens request by you was responded to
instructing you to use the processes in place such as the appeal process that has
been proven to work at Salinas Valley State Prison. You were advised that you are
causing an additional workload issue that is impacting the institution in a negative
way. You were also advised that you would be receiving disciplinary action should
you continue to circumvent the process in place to resolve the issues that you feel
impact you personally which is the appeal system. You are hereby instructed to stop
circumventing the appeal process and thereby causing an increased workload.

G. PONDER
Captain
Salinas Valley State Prison

Orig: C-File
Copy: CCII
Writer
Inmate

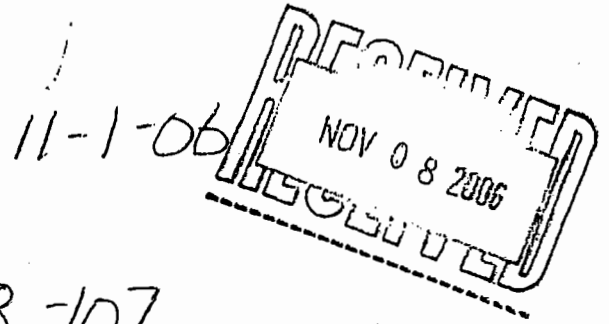
DATE 11-8-06

GENERAL CHRONO

*
(I WAS INSTRUCTED BY THE CAPTAIN
TO USE THE APPEALS PROCESS.)

"request"

TO: CDD, CA-2



FROM: HOLLIS, E-37508 C-8 -107

RE: "WARDEN CORRESPONDENCE #7343"

SIR, I've been waiting patiently since 2-22-06 to have RVR# C06-03-0012R adjudicated and completed. CAPTAIN PONDER responded to WARDEN CORRESPONDENCE #7343 memorandum dated 10-10-06. It's now 11-1-06 and RVR# C06-03-0012R has not been adjudicated. IN ACCORDANCE to the modification ORDER AND 2ND level appeal response. Due to so great of time lapse I WILL be UNABLE to have A FAIR AND IMPARTIAL hearing. I have not even received my copy of the investigative employees report to this RVR. *CAN you please have this RVR# C06-03-0012R completed OR voided OR dismissed IN the interest of justice. I did not commit ANY battery ON A peace officer. The records reveal C/O Goodlett was dishonest.

Disciplinary Manual

response shall be completed within five working day formal and/or first level reviews shall be bypassed.

If the inmate requests a Director's level review, the appeals coordinator shall transmit the appeal by FAX to: Attention: Chief, Inmate Appeals Branch. The Director's decision shall be based on a review of the written data submitted, and shall be completed within five working days of receipt.

Disciplinary Appeal Procedure

disciplinary finding, disposition, or procedural steps may be appealed. Serious disciplinary actions may be appealed through the Director's level of review. CDC Form 128-A, disciplinary chronos, and Administrative CDC Form 115, Rule Violation Report, shall not be appealed beyond the second level of review.

The appeal review, at the first and second levels, shall not be delegated to a rank lower than the person who held or chaired the disciplinary hearing under appeal.

100.18.1 Reviewers

The Warden may utilize the appeals coordinator as either the first or second level reviewer. If the appeals coordinator is designated as the first level reviewer, second level reviews shall be handled by a Chief Deputy Warden or the Warden. If the appeals coordinator is designated as the second level reviewer, the first level reviews may be assigned to the chief disciplinary officer or other person designated by the Warden. To expedite the review process, the appeals coordinator may decide to bypass the first level of review.

Each disciplinary appeal submitted by an inmate/parolee shall be reviewed on the basis of conformance with the provisions of the PC, CCR (15) and DOM Chapter 6.

54100.18.2 Due Process

When it is determined that procedural or due process provisions of the above codes and manuals which govern the disciplinary process have been violated, one of the following remedies shall be considered:

If the appeal reviewer makes a determination that the disciplinary finding was not supported by the evidence presented at the hearing, the disposition may be vacated and the charges dismissed, the disposition may be modified, or a new hearing ordered. Dismissal of the charge shall be the remedy of choice when:

- The charge is found to be based on information subsequently determined to be false or unsubstantiated.
- A new hearing would not likely produce any additional information.
- There has been a significant lapse of time which makes it improbable if not impossible for the accused to present an adequate defense.
- Witnesses of significant import, either staff or inmates, are no longer available and whose absence would prevent the accused from presenting an adequate defense.

If the appeal reviewer determines that the inmate has received punishment disproportionate to the offense, the disposition shall be modified. Examples:

- When an inmate has been assessed loss of work incentive credits in excess of those allowed in the credit loss schedule for the offense charged.
- When time constraints have been violated to such an extent that the assessment of loss of work/training incentive credits is barred either by law or the CCR (15).

If the appeal reviewer makes a determination that procedural or due process requirements were not met, the disposition may be vacated and a new hearing ordered. A new hearing shall be the remedy of choice when:

- The accused did not receive a copy of the charge and all other nonconfidential reports at least 24 hours prior to convening the disciplinary hearing.

The charge was based on confidential information, preferably a synopsis where possible. The accused was not provided confidential information, preferably a synopsis where possible, which to base a defense.

When utilizing confidential information, the disciplinary hearing officer or committee has failed to make a finding concerning the reliability of the source and the validity of the information.

The disciplinary hearing officer or committee failed to specify the reasons for finding the accused guilty, the evidence relied upon to make the disposition, or failed to note the reasons why the reporting employee or witness was not present or the reasons why time constraints were not met.

The accused was denied witnesses who would have contributed significant information at the disciplinary hearing, or where security was an issue, denied admission of witnesses statements.

The accused was denied the right to speak or present documentation in their own defense.

The accused was not able to fully participate in the hearing process due to literacy/medical reasons, and was not assigned a staff assistant or language interpreter.

When an investigative employee (IE) was not assigned per CCR (15) 3318(a) or the IE did not properly carry out their duties, and it appears that such an investigation would have been of assistance to the accused or the hearing officer or committee.

When disciplinary findings are dismissed or modified by appeal, the appeal coordinator shall direct that the CDC Form 115 be removed from the inmate's C-File or that the changes as mandated by the appeal decision be made and appropriate annotations entered on file documents.

Following the appeal review, in every instance where the procedural or due process requirements were not met, the staff member(s) involved shall be notified by the appeals coordinator in order to minimize future procedural errors of a similar nature. Notification shall consist of a copy of the action being sent to appropriate staff.

54100.18.3 Rehearing

A decision to order the rehearing of disciplinary charge acts to void all prior dispositions concerning the CDC Form 115 being appealed. The CDC Form 115 shall be rewritten and processed as a new CDC Form 115.

54100.18.3.1 Time Limits

Time limits for holding a rehearing shall conform to those specified in the CCR (15) 3320 for processing the original charge.

54100.18.3.2 Notifications

If the inmate remains at the institution where the behavior causing the original charge occurred, the appeals coordinator shall ensure that responsible staff are notified of the rehearing order and reasons for the rehearing. The notification shall be in writing and shall be hand-delivered to staff responsible for conducting the rehearing.

54100.18.3.3 C&PR

If the inmate has been transferred, and the decision is to have him or her returned for the hearing, the appeals coordinator shall be responsible for notifying the institutional C&PR of said decision.

The institutional C&PR shall arrange with the other location, where the inmate resides, for the inmate's case to be reviewed by the CSR for endorsement and prompt return to afford staff the opportunity of a timely hearing of the CDC Form 115.

Time constraints for conducting a rehearing under these circumstances shall not begin until the inmate has been returned to the institution where the hearing will be conducted. For other detailed options of conducting disciplinary hearings/rehearings on transferred inmates, refer to CCR (15) 3320.1.

(ORIGINAL (RVR))

115 & CDC 804 TO RECORDS: 4/25/05

X

STATE OF CALIFORNIA

RULES VIOLATION REPORT

DEPARTMENT OF CORRECTIONS

INMATE NUMBER E-37508	INMATE'S NAME Hollis	SUPPORTIVE RVR POC	SE/BOARD DATE 4/25/05	INST. SVSP	HOUSING NO. FC-B8-226	LOG NO. 005-040049
RELATED RULE NO(S) 3005(c)	SPECIFIC ACTS Battery on a Peace Officer	LOCATION Fac 'C' C8 Shower	DATE 04-18-05	TIME 1115 Hours		

On Monday April 18, 2005 at approximately 1115 hours, while performing my duties as Facility "C" building Administrative Segregation (Ad-Seg) Officer, performing escorts when I entered building 8 C-pod Inmate Hollis (E-37508, C8-226L) was inside c-pod shower banging on the shower door and pressing on the alarm button. I told Inmate Hollis to calm down and stop banging on the shower door and pressing on the alarm button, and once we get our Ad-Seg inmate secured in his cell, the control booth officer will let him out of the shower. Inmate Hollis did not listen and continued to bang on the shower and press the alarm. Once our inmate was secured, I went over to C section shower and attempted to calm Inmate Hollis down while trying to get the control booth officers attention. I told Inmate Hollis to stop pressing the alarm button with negative results. I placed my hand over the alarm button next to the shower and Inmate Hollis stated, "I can do what I want and if I want to get you, I can" and then aggressively grabbed me on the wrist area, I pulled back quickly and walked away from the shower. Officer Zamora walked up and opened the shower not knowing what had taken place. Inmate Hollis stated he needed to see the supervisor and I then advised Officer Zamora that Inmate Hollis had grabbed my wrist and that he needed to be placed in mechanical restraints (handcuffs). Officer Zamora then placed handcuffs on Inmate Hollis, Inmate Hollis stated I need to be double cuffed, and to accommodate, I placed the second pair of cuffs on Inmate Hollis and I followed the escort to Facility "C" Medical

REPORTING EMPLOYEE (Typed Name and Signature) L. Goodlett, Correctional Officer	DATE 4/25/05	ASSIGNMENT C8 Ad-Seg Extra	RDO'S F/S
VIEWING SUPERVISOR'S SIGNATURE	DATE 4-24-05	INMATE SEGREGATED PENDING HEARING DATE 4-18-05	
CLASSIFIED ADMINISTRATIVE SERIOUS	OFFENSE DIVISION: B	DATE 4-25-05	CLASSIFIED BY (Typed Name and Signature) J. Hyles, J CC11
HEARING REFERRED TO			<input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

COPIES GIVEN INMATE BEFORE HEARING

CDC 115	BY: (STAFF'S SIGNATURE) G. mmm	DATE 4/24/05	TIME 2015	TITLE OF SUPPLEMENT D.A. CHLORO / RESISTED
INCIDENT REPORT LOG NUMBER 05-04-0217	BY: (STAFF'S SIGNATURE) G. mmm	DATE 4/24/05	TIME 2015	BY: (STAFF'S SIGNATURE) J. Hyles
		DATE 8-24-05	TIME 1240	

HEARING

ISSUED I.E. 8-31-05 1120 hours

ea: The charges were read aloud as written to Inmate Hollis, who acknowledged understanding the charges and who entered plea of Not Guilty.

ndings: Inmate Hollis was found Guilty of violating CCRS 3005(c); specifically, 'Charge,' a Division 'A-1' offense CRS 3323(d)(1)).

sposition: Assessed 0 days forfeiture of behavioral credits, due to time constraints not being met. Assessed 90 days ss of the following privileges: telephone use, quarterly packages, special purchases, $\frac{1}{4}$ canteen draw (to begin 12-07-05 d end 03-16-05); Inmate was counseled, warned and reprimanded.

assification Referral: Referred to ICC for program review and possible SHU term assessment.

Disposition continued on CDC 115C

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

CTION BY: (TYPED NAME) J. Luman, Lieutenant	SIGNATURE J. Luman	DATE 12/31/05	TIME 0545
VIEWED BY: (SIGNATURE) G. Ponder, Captain	DATE 12/31/05	CHIEF DISCIPLINARY OFFICER'S SIGNATURE D. Travers	DATE 12/30/05
COPY OF CDC 115 GIVEN INMATE AFTER HEARING		BY: (STAFF'S SIGNATURE) G. mmm	DATE 01/05/06

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

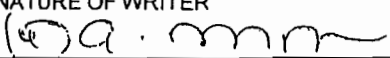
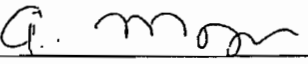
RULES VIOLATION REPORT - PART C

PAGE ____ OF ____

DC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
E-37508	Hollis	C05-	SVSP	04-18-05
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input checked="" type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

nic at a safe distance to maintain security. After securing Inmate Hollis in holding cell #1, I notified my supervisor geant M. Nilsson. Inmate Hollis ~~(is)~~ (is) a participant in the Mental Health Services Delivery System and is aware this report.

L. Goodlett, Correctional Officer

SIGNATURE OF WRITER		DATE SIGNED	
		4/25/05	
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
		4/26/15	2015

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE ____ OF ____

DC NUMBER E-37508	INMATE'S NAME Hollis	LOG NUMBER C05-04-0049	INSTITUTION SVSP	TODAY'S DATE 12-07-05
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____				

Hearing: This hearing commenced on 12-07-05 at 1200 hours. On 04-26-05 Inmate Hollis requested that his hearing be postponed pending the outcome of referral for prosecution.

Inmate's health: Inmate Hollis stated his health was fine and that he was ready to proceed with the hearing. I introduced myself as the SHO and explained the hearing procedures.

ISDS: Inmate Hollis is a participant in the Mental Health Services Delivery System (MHSDS) at the Correctional Clinical Case Management System (CCMS) level of care. The circumstances of the Rules Violation Report do not indicate that Inmate Hollis exhibited any bizarre behavior that would raise concerns about his mental health. At the hearing, Inmate Hollis did not demonstrate any strange, bizarre, or irrational behavior. Based on this and pursuant to recent changes approved by the U.S. District Court in Coleman, a mental health assessment was not initiated. Consequently, a staff assistant was not deemed necessary.

Date of discovery: 04-18-05
Hearing Completed on: 12-07-05
Postponed Date: 04-26-05

Initial RVR copy issued on: 04-26-05
Last document Issued to Inmate on: 03-31-05
Date DA results issued: N/A

Time Constraints: All time constraints have not been met pursuant to CCRS 3320.

Staff Assistant (SA): Inmate Hollis does not meet the criteria for the assignment of an SA per CCRS 3315. Therefore, SA was not assigned.

Investigative Employee (IE): Inmate Hollis does meet the criteria for assignment of an IE. Correctional Officer Salopek is assigned. Officer Salopek interviewed Inmate Hollis as a part of the investigative process, gathered information from witnesses, asking each witness specific questions posed by Inmate Hollis and follow up questions posed by the IE for clarification purposes. Officer Salopek prepared his report, to include his summation of the facts, and provided copy of the report to Inmate Hollis more than 24 hours prior to this hearing.

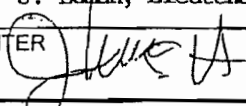
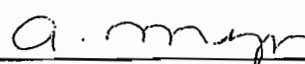
Referral: This matter was referred to the Monterey County District Attorney's Office, however, the outcome is not known.

Evidence Requested or Used: Inmate Hollis did not request that evidence be produced for this hearing at the time of his IE or at the time he was issued a copy of his CDC 115A.

Video Tape Evidence: No video tape evidence was utilized in the adjudication or fact finding process of this CDC 115 Rules Violation Report.

Inmate Plea and Statement: Inmate Hollis entered a plea of "Not Guilty," stating, "I enter a plea of not guilty." Officer Goodlett, made false allegations that I committed battery on a peace officer. Officer L. Goodlett, report and statement and answers to questions in the IE report is vague, confusing and contradictory to Officer Zamora's, report and not "verified" by other staff present during the alleged battery on a peace officer such as the control booth officer, C/O Tsai, as well as Officer Zamora. *Officer Goodlett answer to question #4 in the IE report and the statement given to the IE is evidence that his allegations are false and is contradictory to his written report RVR# C05-04-0049.

J. Lujan, Lieutenant

SIGNATURE OF WRITER 		DATE SIGNED 12/30/05	
GIVEN BY: (Staff's Signature) 		DATE SIGNED 01/05/06	TIME SIGNED 1300
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE ____ OF ____

DC NUMBER E-37508	INMATE'S NAME Hollis	LOG NUMBER C05-04-0049	INSTITUTION SVSP	TODAY'S DATE 12-07-05
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____			

statement continued)

There is not evidence "how" I allegedly committed battery on C/O Goodlett nor which wrist area I allegedly "grabbed" or what hand I allegedly used to commit battery on C/O

Witnesses Requested or Provided: Inmate Hollis did not request that any staff or inmate witnesses be produced for this hearing.

Inmate Hollis asked the following questions of Officer Goodlett:

- 1) If Inmate Hollis refused to stop pressing the alarm button as you indicated in your report, then how were you able to place your hand over the alarm button and how did Hollis aggressively grab your wrist area if Hollis was still pressing the alarm button?
- 2) Because if you push the button continuously it won't go off. You have to push it once, wait, push it again, wait, and so on.
- 3) If Hollis reached through the shower bars and grabbed you by the wrist as you stated to the Investigating Employee, then how did Hollis grab your wrist as you stated to the IE to question #4 of grabbing your wrist when I went to press the button again? (Please explain!)
- 4) You grabbed by wrist by reaching through the bars.
- 5) Which allegation is true; your written RVR #C05-04-0049, your statement to the Investigating Employee, or your answer to question #4 in the IE report? (Please explain!)
- 6) What I wrote down is what took place.

Confidential Information: None.

Findings: Inmate Hollis is found guilty of the charged offense of violating CCR§ 3005(c); for the specific act of "Charge," a Division 'B' offense (CCR§ 3323(d)(1)). The evidence used to render this finding included:

- 1) Rules Violation Report authored by Correctional Officer L. Goodlett, which states in part, "On Monday April 4, 2005 at approximately 1115 hours....Inmate Hollis (E-37508, C8-226L) was inside c-pod shower banging on the shower door and pressing on the alarm button....Inmate Hollis did not listen and continued to bang on the shower and press the alarm....I placed my hand over the alarm button next to the shower and Inmate Hollis stated, "I can do what I want and if I want to get you, I can" and then aggressively grabbed me on the wrist area, I pulled back quickly and walked away...."

Based on the aforementioned facts, this SHD finds the preponderance of the evidence has been met to render and sustain finding of guilt on the charged offense of violating CCR§ 3005(c); specifically, "Charge," a Division 'B' offense CCR§ 3323(d)(1)).

Appeal Rights: Inmate Hollis was advised that the disposition of this Rules Violation Report would not become final until approved by the Chief Disciplinary Officer, at which time he will receive a final copy of the completed CDC 115. Inmate Hollis was also advised of his rights to appeal the findings of this hearing, the methods of appealing, and credit restoration rights pursuant to CCR§ 3327 & 3328, governing the restoration of forfeited credits.

J. Luman, Lieutenant

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER <i>[Signature]</i>	DATE SIGNED 12/31/05	
	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 01/05/06	TIME SIGNED 1300

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE ____ OF ____

CDC NUMBER E-37508	INMATE'S NAME Hollis	LOG NUMBER C05-04-0049	INSTITUTION SVSP	TODAY'S DATE 08-18-05
<input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On 08-18-05, I was assigned as Investigative Employee for CDC 115 Rules Violation Report, log number C05-04-0049. I advised Inmate Hollis of my assignment and informed him that as the Investigative Employee, my duties are to act as a fact finder for the Senior Hearing Officer. Inmate Hollis acknowledged that he understood my role as the Investigative Employee and has indicated no objections to my assignment in this capacity. My report is as follows:

Defendant's Statement: On 08-18-05, I conducted an interview with Inmate Hollis (E-37508) regarding the charged offense and he offered the following statement: "I request to be found not guilty in the interest of justice and that the charge be dismissed. Correctional Officer L. Goodlett has made false allegations that I committed battery on a Peace Officer. Officer Goodlett's report is vague, confusing, and contradictory to Officer Zamora's written report and not "verified" by other staff present during the alleged battery on a Peace Officer such as the control booth officer as well as Officer Zamora. All reports generated by staff related to the alleged battery are inconsistent and contradictory in nature. Officer Goodlett made false allegations to cover up my claim of use of unnecessary force to Nurse P. Gross, when he aggressively grabbed my wrist for refusing to stop pressing the alarm button as stated in his report."

Reporting Employee's Statement: On 08-24-05, I interviewed the reporting employee, Correctional Officer L. Goodlett regarding the charges and her recollection of the events of that day. Officer L. Goodlett offered the following statement: "On the day in question, Inmate Hollis reached through the shower bars and grabbed me by my wrist. I pulled my hand quickly away and stepped back from the shower."

Inmate Hollis had the following questions for Officer Goodlett:

- (1) At 1115 hours on April 18, 2005 did you generate a true and correct complete report of the alleged battery on staff?
- 1) To my knowledge, yes.
- (2) Why is your report vague, confusing, and contradictory to Officer Zamora's written report and not verified by other staff present during the alleged incident?
- 2) People interpret situations differently.
- (3) Did you and Officer Zamora instruct the control booth officer at 1115 hours to open the C-section shower for Inmate Hollis to go back to his cell?
- 3) I don't not and Officer Zamora did not know what had taken place.
- (4) If Inmate Hollis refused to stop pressing the alarm button as indicated in your report, then how did Inmate Hollis aggressively grab your wrist area if Inmate Hollis was still pressing the alarm button?
- 4) You grabbed my wrist when you went to press the button again.
- (5) What hand did Inmate Hollis use to allegedly grab your wrist area?
- 5) I don't remember, you will have to refer to my report.
- (6) What wrist area was allegedly aggressively grabbed and how?
- 6) I don't remember, you will have to refer to the CDC 7219.

Staff Witness Statement: On this date, 08-25-05 I interviewed staff witness, Correctional Officer L. Zamora regarding his recollection of the events of that day. Officer Zamora offered the following statement, "During shower program on the date in question, Inmate Hollis refused to comply with my instructions to return to his cell. I placed Hollis in handcuffs and escorted him to the Facility C Medical office for a CDC 7219 and then to holding cell 61 in the Health Service Annex."

C. A. Salopek, Correctional Officer

SIGNATURE OF WRITER <i>C. A. Salopek</i>		DATE SIGNED 8/31/05	
GIVEN BY: (Staff's Signature) <i>S. J. [Signature]</i>		DATE SIGNED 8-31-05	TIME SIGNED 1120
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE ____ OF ____

CDC NUMBER E-37508	INMATE'S NAME Hollis	LOG NUMBER C05-04-0049	INSTITUTION SVSP	TODAY'S DATE 08-18-05
<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input checked="" type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER _____				

Inmate Hollis had the following questions for Officer Zamora:

- 1) At 1115 hours on April 18, 2005 did you generate a true and correct report to the alleged Battery on Staff, and complete report of the alleged incident?
- 2) Yes.
- 3) After you and Officer Goodlett instructed the control booth officer to open the C-section shower door to allow me to go back to my cell at 1115 hours on April 18, 2005 did you observe at any time during both you and Officer Goodlett's presence at the shower or were the both of you instructed the control booth officer to let me out the shower, Inmate Hollis grab Officer Goodlett's wrist?
- 4) No.
- 5) At 1115 hours on April 18, 2005 where was your presence in C-section from the time I was released from the shower after you and Officer Goodlett instructed the control booth officer to open the C-section shower door where I was located?
- 6) I was between the C-Section phone and the podium.
- 7) At 1115 hours were you present along side Officer Goodlett of wit Officer Goodlett from the time your escort inmate is secured til the time I was placed in handcuffs?
- 8) I placed Inmate Hollis in handcuffs and escorted him to the Facility C Medical officer for a 7219 and then placed him in the holding cell along with Officer Goodlett.
- 9) At what time did Officer Goodlett allegedly inform you that I grabbed his wrist? And was that before the both of us instructed the control booth officer to release me from the shower?
- 10) Inmate Hollis was done with his shower and I instructed the control booth officer to open the shower door for Hollis to return to his assigned cell, and later found out about the incident.
- 11) Did you order Inmate Hollis to submit to handcuffs because he refused to lock up and requested to speak to a supervisor because Officer Goodlett allegedly informed you that Inmate Hollis had just grabbed his wrist?
- 12) I ordered Inmate Hollis to submit to handcuffs because he was refusing to lock up and was delaying the unit's program.
- 13) Did Inmate Hollis receive his 1000 hour phone call on April 18, 2005 which he signed up for?
- 14) No.
- 15) Was the control booth officer present at the C-section Control panel at 1115 hours? And did you of the control booth officer open the shower door?
- 16) The control booth officer opened the door after I instructed him to do so.
- 17) After you and Officer Goodlett instructed the control booth officer to open the C-section shower for me to go back to my cell, was I released from the shower and started asking you about my phone call and refusing to lock up? And if so, how was it not possible to observe any of the allegations made by Officer Goodlett in his report dated April 18, 2005 at 1115 hours.
- 18) Yes.

Investigative Employee's Summation: Inmate Hollis requested information regarding the control booth officer on the above mentioned date. A review of the log indicates Correctional Officer Tsai was assigned to work at that post during the time of the incident. It should be noted that Officer Tsai did not submit a report and appears to have no involvement in this incident.

G. A. Salopek, Correctional Officer			
SIGNATURE OF WRITER <i>G. A. Salopek</i>		DATE SIGNED 8/31/05	
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 8-31-05	TIME SIGNED 1120

NAME and NUMBER HOLLIS, E-37508

CDC - 128B (Rev. 4/74)

Case #SVR-FC8-05-04-0227, dated 4/18/2005, 115 Log # _____ was forwarded to the Investigative Services Unit (ISU) for referral to the District Attorney's Office. On 8/9/2005 this case was returned to ISU indicating the case has been:

☐ Accepted by the D.A.
☒ Rejected by the D.A.
☐ Declined by I.S.U.

cc: C-File

Inmate

115 Desk

ISU case file

Facility CCI

[Signature]
ISU STAFF
Salinas Valley State Prison

AUG 11 2005

Date: 8/9/2005

(DISTRICT ATTORNEY REFERRAL)

GENERAL CHRONO



RIME / INCIDENT REPORT

ART C- STAFF REPORT

JG-837-C (Rev. 09/03)

NAME: LAST ZAMORA		FIRST L.		MI	INCIDENT LOG NUMBER SVP-FCR-05-04-0227	
JST# 2306		POSITION C8 FL#1		YEARS OF SERVICE 3 YR. 9 MO.		DATE OF INCIDENT 04/18/05
DUTY HOURS 0600-1400		DESCRIPTION OF CRIME / INCIDENT STAFF ASSAULT / Battery on a Peace Officer		DATE OF REPORT 04/18/05		TIME OF INCIDENT 1115
LOCATION OF INCIDENT C-8 C-SECTION		CCR SECTION / RULE 3005(L)		N/A		
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)		
<input type="checkbox"/> PRIMARY		(3) Goodlett		HOLLIS, E. 37508, C8 226		
<input checked="" type="checkbox"/> RESPONDER						
<input type="checkbox"/> WITNESS						
<input type="checkbox"/> VICTIM						
<input type="checkbox"/> CAMERA						
FORCE USED BY YOU		WEAPONS USED BY YOU		SHOTS FIRED BY YOU		
<input type="checkbox"/> WEAPON		<input type="checkbox"/> MINI-14		TYPE: NO: NO:		
<input type="checkbox"/> PHYSICAL		<input type="checkbox"/> 9 MM		<input type="checkbox"/> OC		
<input checked="" type="checkbox"/> NONE		<input type="checkbox"/> 38 CAL		<input type="checkbox"/> CN		
FORCE OBSERVED BY YOU		<input type="checkbox"/> SHOTGUN		<input type="checkbox"/> CS		
<input type="checkbox"/> WEAPON		<input type="checkbox"/> 37 MM		<input type="checkbox"/> OTHER:		
<input type="checkbox"/> PHYSICAL		<input type="checkbox"/> L8		<input type="checkbox"/> 37 MM		
<input checked="" type="checkbox"/> NONE		<input type="checkbox"/> 40 MM		<input type="checkbox"/> 40 MULTI		
		<input type="checkbox"/> HFWRs		<input type="checkbox"/> 40 MULTI		
		<input type="checkbox"/> BATON		<input checked="" type="checkbox"/> N/A		
				<input type="checkbox"/> SHOTGUN		
EVIDENCE COLLECTED BY YOU		EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO HAZARD
<input type="checkbox"/> YES						<input type="checkbox"/> YES
<input checked="" type="checkbox"/> NO		<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> NO
REPORTING STAFF INJURED		DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL / CLINIC)		FLUID EXPOSURE
<input type="checkbox"/> YES						<input type="checkbox"/> BODILY
<input checked="" type="checkbox"/> NO		<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> UNKNOWN
						<input type="checkbox"/> OTHER:
						<input checked="" type="checkbox"/> N/A
						<input type="checkbox"/> YES
						<input checked="" type="checkbox"/> NO

NARRATIVE: On Monday, April 18, 2005, at approximately 1115 hours, while performing my duties as C8 Floor Officer #1, During shower program for the housing unit, Officer Goodlett and I instructed the Control Booth officer to open the C-Section lower tier shower for inmate Hollis (E. 37508, C8 226) to go to his assigned cell. Inmate Hollis stated, "I want my phone call." I informed inmate Hollis that we needed to take 40 SEC inmates to see the Captain in the office and that we needed to lock up. Inmate Hollis again stated, "I'm not locking up, I want to talk to a supervisor." I ordered inmate Hollis to turn around and submit to wand cuffs. I escorted him to the Facility C medical for a 2219 and then to the Facility C

☒ CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF	TITLE C/O	BADGE #	ID #	DATE 04/18/05
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) M. Nilsson M. Nilsson Sgt.	DATE RECEIVED 04-18-05	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE 04-18-05

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT

PART C1- SUPPLEMENT

CDC 837-C1 (Rev. 09/03)

PAGE 2 OF 2

INCIDENT LOG NUMBER

SNP-FCB-05-070227

NAME: LAST

ZAMORA

FIRST

L.

MI.

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

Health Annex were I placed him in holding cell #1. I search the holding cell, with negative results for contraband prior to placing inmate Hollis.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF

TITLE

BADGE #

ID #

DATE

NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE)

DATE RECEIVED

APPROVED

CLARIFICATION NEEDED

DATE

M. Nilsson M. Nilsson Sgt.

04-18-05

☒ YES ☐ NO☐ YES ☒ NO

04-18-05

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT
ART C- STAFF REPORT
DC 837-C (Rev. 09/03)

PAGE 1 OF 2

INCIDENT LOG NUMBER

SUP FC 8 0504 0227

NAME: LAST <i>Goodlett</i>	FIRST <i>L</i>	MI <i>D</i>	DATE OF INCIDENT <i>4/18/05</i>	TIME OF INCIDENT <i>1115</i>
DST # <i>5/A</i>	POSITION <i>C8 Ad seg extra</i>	YEARS OF SERVICE <i>5 YR. 4 MO.</i>	DATE OF REPORT <i>4/18/05</i>	LOCATION OF INCIDENT <i>facility C building 8 C pod shower</i>
JO's <i>15</i>	DUTY HOURS <i>0600-1400</i>	DESCRIPTION OF CRIME / INCIDENT <i>Battery on peace officer</i>		CCR SECTION / RULE <i>3005 (C)</i> <input type="checkbox"/> N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
<input checked="" type="checkbox"/> PRIMARY	<i>Zamora</i>	<i>(s) Hollis E37508</i>
<input type="checkbox"/> RESPONDER	<i>M. Nilsson</i>	
<input type="checkbox"/> WITNESS		
<input type="checkbox"/> VICTIM		
<input type="checkbox"/> CAMERA		

FORCE USED BY YOU	WEAPONS USED BY YOU	SHOTS FIRED BY YOU
<input type="checkbox"/> WEAPON <input checked="" type="checkbox"/> PHYSICAL <input type="checkbox"/> NONE	<input type="checkbox"/> MINI-14 <input type="checkbox"/> 9 MM <input type="checkbox"/> 38 CAL <input type="checkbox"/> SHOTGUN <input type="checkbox"/> 37 MM <input type="checkbox"/> L8 <input type="checkbox"/> 40 MM <input type="checkbox"/> 40 MULTI <input checked="" type="checkbox"/> N/A <input type="checkbox"/> HFWRS <input type="checkbox"/> BATON	TYPE: NO: NO: 37 MM _____ 9 MM _____ L8 _____ 38 CAL _____ 40 MM _____ MINI-14 _____ 40 MULTI _____ <input checked="" type="checkbox"/> N/A SHOTGUN _____

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<i>Slight swollen right wrist</i> <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> BODILY <input checked="" type="checkbox"/> N/A <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER: _____	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

NARRATIVE: On Monday April 18, 2005 at approximately 1115 hours, while performing my duties as facility C building 8 Administrative Segregation officer, performing escorts when I entered building 8 C pod inmate Hollis (E37508)(C8 226L) was inside C pod shower banging on the shower door and pressing the alarm button. I told inmate Hollis to calm down and stop banging on the shower door and pressing on the alarm button, and once we get our Ad seg inmate secured in his cell the control booth officer will let him out of the shower. Inmate Hollis did not listen and continued to bang on the shower door and press the alarm. Once our inmate was secured, I went over to C section shower and attempted to calm inmate Hollis down while trying to get the control booth officers attention I told inmate Hollis to stop pressing the alarm button with negative results. I placed my hand over the

☒ CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF <i>Goodlett</i>	TITLE <i>correctional officer</i>	BADGE # <i>60825</i>	ID # <i>2861142</i>	DATE <i>4/18/05</i>
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE)	DATE RECEIVED	APPROVED	CLARIFICATION NEEDED	DATE

STATE OF CALIFORNIA
 TIME / INCIDENT REPORT
 RT C1- SUPPLEMENT
 C 837-C1 (Rev. 09/03)

DEPARTMENT OF CORRECTIONS

PAGE 2 OF 2

INCIDENT LOG NUMBER

SVP FCB 05 040227

NAME: LAST

Goodlett

FIRST

L

MI

D

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

alarm button next to the shower and inmate Hollis stated "I can do what I want and if I want to get you, I can" and then aggressively grabbed me on the wrist area, pulled back quickly and walked away from the shower officer Zamora walked up and peered the shower not knowing what had taken place Inmate Hollis stated he need to see the supervisor and I then advised officer Zamora that inmate Hollis had grabbed my wrist and that he needed to be placed in mechanical restraints (hand cuffs). Officer Zamora then placed hand cuffs on inmate Hollis then Hollis stated I need to be double cuffed and to accommodate him, I placed the second pair of cuffs on inmate Hollis and I followed the escort to facility C medical clinic at a safe distance to maintain security. After securing inmate Hollis in holding cell #1, I notified my supervisor sergeant M. Nilsson.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF

Goodlett

TITLE

correctional officer

BADGE #

60825

ID #

286 1142

DATE

4/18/05

NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE)

11/11/05 10:11 AM

DATE RECEIVED

11/18/05

APPROVED

YES NO

CLARIFICATION NEEDED

YES NO

DATE

11/18/05

State of California

Department of Corrections
CDC 128-G

No. E-37508

NAME: HOLLIS

Comment: 90 day ASU extension from ICC action of 12/14/06 approved to complete adjudication of pending RVR of 12/1/06 for Threat to a Non-Inmate.

Return to CSR no later than 3/14/2007 with status update.


R.M. Comfort, CSR

Date: 1/16/2007

Classification - CSR ACTION

SVSP

(RVR) C06-03-0012R WAS USED TO
AGGRAVATE MY (SHU) TERM. (RVR) IN
GROUND #1 OF THE petition.

State of California

Department of Corrections
CDC 128-G


No. E-37508

NAME: HOLLIS

Comment:

* 9 month aggravated SHU term for RVR of 12/1/06 for Threat to a Non-Inmate approved as assessed by ICC action of 3/8/07 with MERD of 6/24/07.

Retain (in ASU) as MERD is too short to allow for transfer to a SHU unit.


D Selvy, CSR

Date: 4/2/2007

Classification - CSR ACTION

SVSP

Matthew L. Cate, Inspector General



Office of the Inspector General

December 29, 2005

Marvin Hollis, E-37508
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960-1050

Dear Mr. Hollis:

The Office of the Inspector General has received your correspondence.

After reviewing your correspondence, we determined that the issues you raise could be more effectively addressed through a general approach rather than individually. Given the volume and complexity of the complaints we receive, it is not possible for us to fully research and respond separately to each complaint. Therefore, we attempt to focus our audit and investigative resources on issues where the greatest needs exist. We believe that in this way we can provide the greatest benefit to you and others who have been affected. If we conduct an audit or investigation of the issues you raise, you may be contacted later.

* Meanwhile, we encourage you to continue to try to use available administrative remedies, such *
* as the CDC-602 inmate/parolee appeal process. If you have questions about the process or the *
* status of your appeal, please contact your correctional counselor. *

The Office of the Inspector General considers this matter closed. Thank you for bringing your concerns to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry McClelland".

KERRY McCLELLAND
Senior Deputy Inspector General

KM:mo:05-0001868-01

Arnold Schwarzenegger, Governor

(PRAYERS FOR RELIEF)

PETITIONER IS WITHOUT REMEDY, SAVE BY WRIT OF HABEAS CORPUS. WHEREFORE, PETITIONER PRAYS THE COURT:

1. ISSUE A WRIT OF HABEAS CORPUS OR MANDATE;
2. DECLARE THE RIGHTS OF THE PARTIES;
3. FOR A INJUNCTION AND PERMANENT INJUNCTION STOPPING (CDCJR) APPEALS COORDINATORS AND SUCCESSORS FROM INAPPROPRIATELY GENERATING (CDCJR) 695 SCREENING FORMS AGAINST PETITIONER THAT IS NOT IN COMPLIANCE WITH AND TO TITLE 15. DIVISION 3. SECTION 3084.3 AND REQUIRING THAT (CDCJR) AND (SVSP) OFFICIALS TO MODIFY THE (CDCJR) 695 SCREENING FORMS DELETE OR TAKE OUT THE WRITTEN NOTATION AS FOLLOWS; THIS SCREENING ACTION MAY NOT BE APPEALED, AND TAKE OUT ALL WRITTEN REASONS TO SCREEN AN APPEAL ON THE (CDCJR) 695 SCREENING FORM THAT IS NOT ON THE LIST OF AND COMPLIANCE WITH TITLE 15. DIVISION 3. SECTION 3084.3.
4. THAT (SVSP) APPEALS COORDINATORS BE ORDERED TO PROCESS AND ASSIGN BOTH DISCIPLINARY APPEALS IN GROUND #1 AND #2 FOR INVESTIGATION AND RESPONSE OR IN THE ALTERNATIVE TO DISMISS BOTH RVR #C06-03-0012R AND (RVR) #FD-07-02-0084 RESTORING ALL LOSS OF GOOD TIME CREDITS AND PRIVILEGES.